



## APPLICATION TO CHANGE AN EXISTING IRRIGATION WATER RIGHT

FILING FEE - \$900.00

Use this application to change the point of diversion, place of use, purpose of use, and/or place of storage of an existing irrigation water right. Attach additional sheets if necessary. Attachments must be labeled as shown in the sections below.

### ADDENDUMS THAT MAY BE NEEDED

- Historical Water Use
- Change to Instream Flow
- Change to Mitigation or Aquifer Recharge
- Change in Purpose
- Change of Salvage Water
- Temporary Change

### FILING FEE REDUCTION

If you attend a pre-application meeting with DNRC staff and your application is submitted within 6 months of the meeting date, the filing fee will be reduced to \$700.00. The time period may be extended if measurements or an aquifer test is required.

### FOR DEPARTMENT USE ONLY

Application No. \_\_\_\_\_ Basin \_\_\_\_\_  
 Date Received \_\_\_\_\_  
 Time \_\_\_\_\_ AM / PM  
 Rec'd by \_\_\_\_\_  
 Fee Rec'd \$ \_\_\_\_\_  
 Check No. \_\_\_\_\_  
 Refund \$ \_\_\_\_\_ Date \_\_\_\_\_

Applicant Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone Numbers Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_  
 Email Address \_\_\_\_\_

Contact Person: ☐ Contact is Applicant ☐ Contact is Consultant ☐ Contact is Attorney

Contact Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone Numbers Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_  
 Email Address \_\_\_\_\_

**NOTE:** If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form will receive all correspondence and a copy may be sent to the contact person.

### CHANGE APPLICATION INFORMATION

A water right owner who wants to make a change to an existing water right must submit an application to the DNRC. The proposed change cannot create an adverse affect to other existing users who hold water rights that may have an earlier (senior) or later (junior) priority date than the Applicant's. If the application for change is granted, the Applicant's water right will retain its priority date.

A water right is valid if water was actually put to use historically. The water right is limited to the extent of that historical use. A water right cannot exist if it was never used, even if the water right is described on paper.

The information provided to the questions below is required for the Department to begin processing the application. The Department may require additional information during the processing of the application.

For any questions, please contact a Water Resources Division regional office.

## SECTION 1. APPLICATION DETAILS - ARM 36.12.1901

1.A Check what element(s) of the water right(s) you are proposing to change.

- ☐ Point of Diversion      ☐ Place of Use      ☐ Purpose of Use  
(complete a *Change in Purpose* addendum)      ☐ Place of Storage  
(complete a *Change in Storage* addendum)

1.B Provide the following information for the water right(s) you are proposing to change.

Water Right No. & Basin	Current Flow Rate			What is the Flow Rate needed for the project?			
	Flow Rate	CFS	GPM	Flow Rate	CFS	GPM	

1.C Provide a narrative explaining specific details of the requested change(s) to the water right and why it is being requested.

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1.D Yes ☐ No ☐ N/A ☐ Are you proposing to change all of the historic water right(s) associated with the place of use? If not, explain why not.

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1.E Identify the water rights used to irrigate the place of use that are not included in this application.

<i>Water Right No. &amp; Basin</i>	<i>Priority Date</i>	<i>Water Right No. &amp; Basin</i>	<i>Priority Date</i>

## SECTION 2. MAP – ARM 36.12.111

Maps depicting the historic and proposed water system are required. Aerial photos may be available from the DNRC, NRIS, NRCS, USGS, and on the Internet and may be available from the 1940s up until today.

- 2.A ☐ Note the section corners, township, range, and add a north arrow to the map for all maps submitted.  
2.B ☐ Historic Use - if your historical irrigated acres are mapped by the U.S. Farm Service Agency (FSA), provide a copy of the FSA map(s) showing the irrigated acres.  
2.C ☐ Historic Use - for each water right being changed, provide a map depicting the historic point(s) of diversion, means of conveyance, place of use, and place of storage. Be sure to identify the water right number on each map.

- 2.D ☐ Historic Use - if you measure water near the historical point of diversion or place of use, please identify where the measurement occurs.
- 2.E ☐ Proposed Use - provide a map which clearly identifies the proposed point(s) of diversion, place of use, and place of storage. For partial changes, the map should reflect the entire water right including the proposed change and the remaining historic use.

### **SECTION 3. HISTORIC USE - ARM 36.12.1902**

For the questions below, describe the historic use of the water right or the current use if a change authorization was previously granted on the water right. The description of the historic use depends on the type of water right being changed. Historic use for a Statement of Claim or for an exempt nonfiled right must be described as it was used prior to July 1, 1973. Historic use for provisional permits and certificates of water right must be described as it was used at the filing date of the completion notice.

The historic consumptive use is the amount of water that was diverted from the source minus the amount of water that returns to a water source.

The Department will calculate the diverted volume and the consumptive volume using ARM 36.12.1902; however an applicant may submit a *Historical Water Use Addendum* if the applicant would like the Department to consider a different amount.

Complete the following information for each water right being changed.

- 3.A Describe how the irrigation system operated from the point of diversion through the place of use.

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- 3.B Explain the pattern of irrigation. (Flood Irrigation Example: The field is typically irrigated 3 times a year for 10 days in early June, late July, and August. Sprinkler Irrigation Example: Sprinkler is typically run for 3-5 days every 10-15 days.)

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- 3.C What has been used to convey the water to the place of use?

Conveyance (ditch/pipeline)	_____	Size	_____	Length	_____
Conveyance (ditch/pipeline)	_____	Size	_____	Length	_____

- 3.D What is your diversion method and capacity?

Diversion Method	_____	Capacity	_____	GPM/CFS
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- 3.E How did you determine the capacity?

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- 3.F Yes ☐ No ☐ Have any improvements such as field leveling, contour ditches, border dikes or sprinklers been incorporated into the irrigation system since 1973? If yes, explain.

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- 3.G Yes ☐ No ☐ Do you measure water near the existing point of diversion or near/at your place of use? If yes, what type of measuring device do you use? \_\_\_\_\_
- 3.H Yes ☐ No ☐ Do you have water commissioner or personal water measurement records available? If yes, please submit those records.
- 3.I Yes ☐ No ☐ Do you have power records for pumps, crop production records or other documents that support the amount of water you have historically diverted or used? If yes, please submit that information.
- 3.J Yes ☐ No ☐ Do you supplement your water usage with water from an irrigation district, water users association, canal company, or other entity? If so, explain which entity and how many shares you own or lease or how much water you are assessed.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3.K What crops have historically been grown on the irrigated acreage? \_\_\_\_\_

#### **SECTION 4. ADVERSE EFFECT – ARM 36.12.1903**

4.A How will all points of diversion be operated in order to not exceed historical diverted flow rate?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.B What is your plan to not create an adverse effect to existing water rights, certificates, permits, and water reservations?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.C When was the last time water was appropriated and used beneficially to the extent identified in your water right? If there has been a period of non-use, explain why the water right was not used, and explain why a resumption of use will not adversely affect other water users.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **SECTION 5. PROPOSED ADEQUATE DIVERSION MEANS AND OPERATION – ARM 36.12.1904**

5.A Yes ☐ No ☐ Is the means of diversion a well? If yes, provide a copy of the well log. If the well log is not available, who drilled the well? \_\_\_\_\_

5.B Yes ☐ No ☐ Is another agency requiring you to measure your water use?  
If yes, explain. \_\_\_\_\_

5.C Do you have any plans to measure your diversion and use? If yes, please describe the plan and the type of measurements you will take.  
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5.D For applications that propose new conveyance facilities, provide preliminary design plans and specifications for the proposed diversion and conveyance facilities and the equipment used to put the water to beneficial use.

**SECTION 6. GENERAL PROJECT PLAN & PROPOSED COMPLETION PERIOD**

6.A How many years will you need to complete this project? \_\_\_\_\_

DRAFT

## **SECTION 7. CHANGE APPLICATION ADDENDUMS**

Historical Water Use – required if you do not want the Department to calculate the diverted volume and the consumptive volume using ARM 36.12.1902. Is this addendum attached? Yes ☐ No ☐

Change to Instream Flow – required if your proposed project includes a change to instream flow. Is this addendum applicable? Yes ☐ No ☐

Change to Aquifer Recharge or Mitigation – required if the change application is to change the purpose to aquifer recharge or mitigation.

Change of Purpose – required if the change application is to change the purpose of a water right. If the change is to aquifer recharge or mitigation, this addendum is not required.

Change of Salvage Water – required if the change application includes appropriation of water made available for use from an existing valid water right through creation of a water-saving method.

Temporary Change – required if the change application is to be for a temporary period of time.

## **SECTION 8. AFFIDAVIT & CERTIFICATION**

All undivided interest owners must sign as applicants.

Read carefully before you sign and review with legal counsel if you have any questions.

I affirm the information provided for this application is to the best of my knowledge true and correct. I also affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

INITIAL ONE OF THE FOLLOWING CERTIFICATIONS.

\_\_\_\_ Pursuant to the requirement that I obtain DNRC approval before I may make a change in my point of diversion, place of use, purpose of use or place of storage of a water right, I affirm that as of the date of this application that I am in compliance with Section 85-2-402(1)(a), MCA and that I shall remain in compliance as required by statute through the pendency of this appropriation change application process. By my signature below, I am providing my consent that DNRC may deem my application withdrawn if I become non-compliant with § 85-2-302, MCA, during the application's pendency. The Department must send me written notice that I am not in compliance with the Water Use Act prior to deeming my application withdrawn.

\_\_\_\_ I am not in compliance with § 85-2-402(1)(a), MCA as required. I understand that I have 90 days from the date the application is received by the DNRC to become fully compliant. In consideration of the 90-day forbearance by DNRC of any enforcement action for my non-compliance at the time of my application to provide me time to become compliant, by my signature below I am providing my consent that DNRC may deem my application withdrawn if I am not in compliance with the Water Use Act after the expiration of 90 days. The Department must send me written notice that I am not in compliance with the Water Use Act prior to deeming my application withdrawn.

I understand that making a false statement under oath or affirmation in this application and official proceedings throughout the examination of my application may subject me to prosecution under §45-7-202, MCA, a misdemeanor punishable by a jail term not to exceed 6 months or a fine not to exceed \$500, or both. I have read this Affidavit and understand the terms and conditions.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Printed Name \_\_\_\_\_

Applicant Signature \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name \_\_\_\_\_

Applicant Signature \_\_\_\_\_

Date: \_\_\_\_\_

## WATER RESOURCES OFFICES

**BILLINGS:** AIRPORT INDUSTRIAL PARK, 1371 RIMTOP DR., BILLINGS MT 59105-1978  
PHONE: 406-247-4415 FAX: 406-247-4416  
SERVING: Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

**BOZEMAN:** 2273 BOOT HILL COURT, SUITE 110, BOZEMAN MT 59715  
PHONE: 406-586-3136 FAX: 406-587-9726  
SERVING: Gallatin, Madison, and Park Counties

**GLASGOW:** 222 6TH STREET SOUTH, PO BOX 1269, GLASGOW MT 59230-1269  
PHONE: 406-228-2561 FAX: 406-228-8706  
SERVING: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

**HAVRE:** 210 6TH AVENUE, PO BOX 1828, HAVRE MT 59501-1828  
PHONE: 406-265-5516 FAX: 406-265-2225  
SERVING: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

**HELENA:** 1424 9TH AVE., PO BOX 201601, HELENA MT 59620-1601  
PHONE: 406-444-6999 FAX: 406-444-9317  
SERVING: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

**KALISPELL:** 655 TIMBERWOLF PARKWAY, SUITE 4, KALISPELL MT 59901-1215  
PHONE: 406-752-2288 FAX: 406-752-2843  
SERVING: Flathead, Lake, Lincoln, and Sanders Counties

**LEWISTOWN:** 613 NORTHEAST MAIN ST., SUITE E, LEWISTOWN MT 59457-2020  
PHONE: 406-538-7459 FAX: 406-538-7089  
SERVING: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

**MISSOULA:** 2705 SPURGIN RD., BLDG. C, PO BOX 5004, MISSOULA MT 59806-5004  
PHONE: 406-721-4284 FAX: 406-542-5889  
SERVING: Granite, Mineral, Missoula, and Ravalli Counties

**MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**  
**Water Resources Division - Water Rights Bureau**

**WEBSITE:** <http://dnrc.mt.gov/wrd/>

**EXISTING LEGAL DEMANDS INDEX:** <http://nris.mt.gov/dnrc/waterrights/default.aspx>

